



**CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY**

BRIEFING: APRIL 2010 EXECUTIVE/ADMINISTRATIVE COMMITTEE AGENDA ITEM #3

TO: Chairman Pringle and Members Kopp and Florez

FROM: Carrie Pourvahidi, Executive Director

DATE: 4/1/10

RE: Resource Agency Agreements

Summary

Over the next five to six years, the Authority intends to produce nine project-level environmental impact reports/environmental impact statements (EIR/S) for sections of the high-speed train system. Concurrence on study assumptions, the review of technical documents, and the review of draft and final versions of EIR/S will require a significant commitment of state and federal resources. To facilitate participation, this memo evaluates the need, timing, and costs associated with the Authority funding a number of key resource agency mid-level staff positions.

Need for Staff Resources

To meet the schedule goals set forth in the Authority's Business Plan, it is imperative that the Authority advance the HST project through environmental review, preliminary engineering, final design, and into construction in a timely manner. Because of the project's complexity and the number of agencies which must provide guidance, review and approval of the project, preparation of a draft and final EIR/S can take three years or longer. The length of time is often influenced by two factors: the breadth of the resource agency's review function, and the level of staff resources available to review and comment on the document in a timely fashion.

To facilitate the review and approval process of the resources agencies the Authority can, through a contractual arrangement, fund one or more mid- to senior-level staff positions. Individuals filling these assignments would possess the technical skills, environmental knowledge, and experience requisite for the position.

Authority staff has identified seven agencies as having the most extensive set of environmental statutory requirements to enforce. These include:

- The U.S. Army Corps of Engineers (ACOE), with oversight and permitting authority under the Clean Water Act for temporary and permanent impacts to wetlands and other water resources,
- U.S. Fish and Wildlife Service (FWS), with oversight and permitting authority under the Endangered Species Act and other federal statutes, for temporary and permanent impacts to wildlife habitat and fisheries,
- U.S. Environmental Protection Agency (EPA), with oversight and permitting authority under the Clean Air Act and other federal statutes,
- National Marine Fisheries Service (NMFS), with oversight authority for protecting fishery resources under the Magnuson-Stevens Act and other federal statutes.
- California Department of Fish and Game (DFG), with oversight and permitting authority under the California Endangered Species Act, the California Native Plant Protection Act,
- Office of Historic Preservation (OHP), with oversight and permitting authority for cultural resources under Section 106 of the National Historic Preservation Act and other federal and state statutes, and
- California Department of Parks and Recreation (DPR), with responsibility for protecting state park lands and commenting on Section 4(f) issues under the U.S. Department of Transportation Act of 1966.

Funding and Level of Commitment

While each resource agency annually budgets for staff to review and comment on environmental documents, these seven agencies are chronically short-staffed and consequently take the most time to complete their reviews. For this reason, in 2009 the Authority initiated discussions with each of these agencies to fund one or more staff positions dedicated to the timely review of HST environmental documents. Several state agencies have similar agreements in place, including Caltrans which has multi-year agreements in place with the CORPS, EPA, the FWS, OHP, and the DFG.

With assistance from the Attorney General's office, significant progress has been made in preparing agreements with the FWS, EPA, and the CORPS, which should be ready for execution in the next several weeks. The remaining agreements with the DFG, OHP, DPR, and the NMFS should be ready for approval by mid-May.

The table below summarizes the staffing levels and proposed funding between April 1, 2010 and June 30, 2013. Please note that all resource agency requests will be negotiated annually based on workload commitments and annual appropriations from the legislature.

	# of Staff to	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	Total
Agency	Be Assigned	Request ~	Request	Request	Request	Request
US ACOE ^	4.0 +	\$ 114,703	\$ 1,492,000	\$ 1,536,760	\$ 1,582,863	\$ 4,726,326
US FWS	2.0	67,237	407,497	419,722	432,314	1,326,769
US EPA *	2.0	156,380	252,070	325,000	-	733,450
NMFS ^	1.0	-	126,035	129,816	-	255,851
CA DFG ^	2.0	105,000	420,000	432,600	445,578	1,403,178
SHPO	1.0	32,500	130,000	133,900	137,917	434,317
CA DPR ^	1.5	-	195,000	200,850	206,876	602,726
Agency Requests:		\$ 475,820	\$ 3,022,602	\$ 3,178,648	\$ 2,805,547	\$ 9,482,617
^ = Requires final negotiation regarding funding requests						
* = Requests based on federal fiscal year (Oct. 1 through Sep. 30)						
~ = Represents remaining three months of FY, or Apr. 1 through Jun. 30, 2010						

Staff Recommendation

Given the increasing workload for each of the resource agencies and the need for the Authority to maintain its project delivery schedule, it is recommended that the Authority delegate to the Executive Director the ability to enter into contract with the seven resource agencies listed above.

Attachment:

✓ Resolution HSRA10-017